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PATENT
Attorney Docket No: BSC-204

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANTS: Gellman et al. CONFIRMATION NO.: 6275
SERIAL NO.: 10/067,488 GROUP NO.: 3731
FILING DATE: February 4, 2002 EXAMINER: Bui, Vy Q.
TITLE: Resistance Heated Tissue Morcellation

CERTIFICATE OF FIRST CLASS MAILING UNDER 37 C.F.R. 1.8

I hereby certify that this correspondence, and any document(s) referred to as enclosed herein, is/are being deposited with the United States Postal Service as first class mail, postage prepaid, in an envelope addressed to Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on this 30th day of July, 2004.


Diane Racicot

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Submitted herewith are:

1. Transmittal Form (1 pg.);
2. Response to Species Election Requirement (2 pgs.);
3. and return receipt postcard



TRANSMITTAL FORM

Application Serial Number	10/067,488
Filing Date	February 4, 2002
First Named Inventor	Gellman
Group Art Unit	3731
Examiner Name	Bui, Vy Q.
Attorney Docket No.	BSC-204

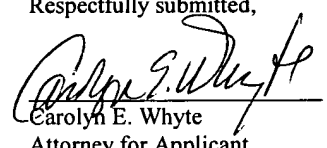
ENCLOSURES (check all that apply)

- | | | |
|---|---|--|
| <input type="checkbox"/> Fee Transmittal Form
<input type="checkbox"/> Check Attached
<input type="checkbox"/> Copy of Fee Transmittal Form
<input checked="" type="checkbox"/> Response to Species Election Requirement
<input type="checkbox"/> After Final
<input type="checkbox"/> Affidavits/declaration(s)
<input type="checkbox"/> Letter to Official Draftsperson including Drawings [Total Sheets ____]
<input type="checkbox"/> Extension of Time Request
<input type="checkbox"/> Information Disclosure Statement Form PTO-1449
<input type="checkbox"/> Copies of IDS Citations
<input type="checkbox"/> Certified Copy of Priority Document(s)
<input type="checkbox"/> Response to Missing Parts/Incomplete Application | <input type="checkbox"/> Copy of Notice to File Missing Parts of Application (PTO-1553)
<input type="checkbox"/> Formal Drawing(s)
<input type="checkbox"/> Petition Routing Slip (PTO/SB/69)
<input type="checkbox"/> Power of Attorney (Revocation of Prior Powers)
<input type="checkbox"/> Terminal Disclaimer
<input type="checkbox"/> Copy of Executed Declaration for Utility or Design Patent Application
<input type="checkbox"/> Small Entity Statement
<input type="checkbox"/> Request for Refund
<input type="checkbox"/> After Allowance Communication to Group | <input type="checkbox"/> Appeal Communication to Board of Patent Appeals and Interferences
<input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief)
<input type="checkbox"/> Status Inquiry
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<input checked="" type="checkbox"/> Certificate of First Class Mailing under 37 C.F.R. 1.8
<input type="checkbox"/> Additional Enclosure(s) (please identify below) |
|---|---|--|

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Respectfully submitted,

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT: Gellman *et al.* **CONFIRMATION NO:** 6275
SERIAL NO.: 10/067,488 **GROUP NUMBER:** 3731
FILED: February 4, 2002 **EXAMINER:** Bui, Vy Q.
TITLE: Resistance Heated Tissue Morcellation

RESPONSE TO SPECIES ELECTION REQUIREMENT

This paper is responsive to the Office action mailed from the U.S. Patent and Trademark Office on June 30, 2004. The Office action indicates that there are seven patently distinct species depicted in the figures and that claim 1 is generic. A summary of the species follows:

Species I: FIG. 1A
Species II: FIG. 2
Species III: FIG. 3A
Species IV: FIG. 3B
Species V: FIG. 4A
Species VI: FIG. 5A
Species VII: FIG. 5B

The Office action further indicates that there are three patently distinct subspecies of tissue guiders depicted in the figures. A summary of the subspecies follows:

Subspecies 1: FIG. 3A
Subspecies 2: FIG. 3E
Subspecies 3: FIG. 3F

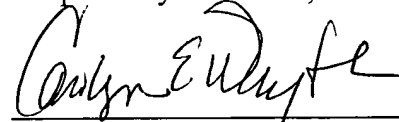
Applicants hereby elect Species V, as represented by FIG. 4A, with traverse. Applicants submit that at least claims 1-10 and 13-26 are readable on FIG. 4A. Applicants further elect Subspecies 1, as represented by FIG. 3A, with traverse.

CONCLUSION

Applicants respectfully request entry of this response and allowance of claims 1-10 and 13-26 in due course. The Examiner is invited to telephone the undersigned attorney to discuss any outstanding issues.

Date: July 30, 2004
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